

May 16, 2013

Paul Benedetto
9524 Kilcolgan Way
Elk Grove, CA 95758

Re: Your Request for Informal Assistance
Our File No. I-13-061

Dear Mr. Benedetto:

This letter responds to your request for advice regarding the “revolving door” provisions of the Political Reform Act (the “Act”).¹ However, since your question at this time is general in nature, we are providing informal assistance. Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

Please note that our advice is based solely on the provisions of the Act. We therefore offer no opinion on the application, if any, of other post-governmental employment laws that may apply including, but not limited to, Public Contract Code Section 10411.

QUESTION

You have asked what restrictions the Act would place on your contacts with your former state employer as well as other state entities after you leave state service.

FACTS

You are the Undersecretary at the California Technology Agency. You were appointed to this position by Governor Brown in August 2011. You anticipate that you will retire this year and wish to work for a private company in the technology industry after you leave.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

DISCUSSION

You ask generally about the post-employment restrictions of the Act. Generally, without facts regarding a potential employer and the nature of your future work, it is difficult to provide any kind of formal advice. The provisions of the Act are applied on a fact-specific basis.

Consequently, I have included with my correspondence, letters regarding the revolving door restrictions as applied to other undersecretaries for your information. Once you have a factually specific question, you should request new advice.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Zackery P. Morazzini
General Counsel

By: John W. Wallace
Assistant General Counsel
Legal Division

Enclosure